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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/458,820	12/13/1999	WUPING DONG	FUJI-111	9320

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EXAMINER

PASS, NATALIE

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 09/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/458,820

Applicant(s)

DONG, WUPING

Examiner

Natalie A. Pass

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 29 April 2003 has been entered.

2. This communication is in response to the Request for Continued Examination and amendment filed 29 April 2003. Claims 1-2 have been amended. Claims 1-2 remain pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt (U.S. Patent 5,781,892), and further in view of Garback (5,237,499) for substantially the same reasons applied in the previous Office Action, and further in view of Tagawa (5, 732, 398). Further reasons appear below.

(A) Claim 1 has been amended to recite " without the aid of said local computer in lines 19-20.

As per newly amended claim 1, Hunt discloses a booking and issuing method including a reservation system for accepting booking requests via a communication line (Hunt: computer reservation system, "CRS", in Figure 1), a local computer connected to the reservation system via the communication line (Hunt: server (14) and gateway (22), Figure 1 and col. 3 lines 36-38), and a personal computer connected to the local computer via a network. (Hunt: client (12), Figures 1 & 2; col.4 lines 16-28) comprising the steps of:

addressing a ticket booking commencement request from the personal computer to the local computer (Hunt: Figure 1; col. 2 lines 16-20);

sending reservation system information from the local computer to the personal computer via the network responding to the ticket booking commencement request (Hunt: Figure 1; col. 4 line 67 to col. 5 line 2; and col. 7 lines 29-32);

storing the information that was sent from the local computer into the personal computer memory for display (Hunt: Figure 2 and col. 4 lines 28-29);

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connecting said personal computer to the selected reservation system through a frame relay device (18) using a communication network or the Internet using TCP/IP protocol (Hunt; Figure 1, col. 3, lines 46-49)

generating, in the personal computer, booking data by compiling predetermined data included in the information data transmitted and received into a predetermined form and sending data to the local computer (Hunt: col. 4 lines 6-9 and col. 5 lines 3-5);

transmitting from said local computer data including said booking number or reservation data within said booking data to the selected reservation system via the communication line (Hunt; Figure 1, column 6, lines 9-10, 29-36, column 8, lines 13-30, and column 10, lines 18-41).

Although Hunt discloses the booking of a reservation (Hunt; col. 6, lines 29-34), Hunt does not expressly disclose issuing, by said local computer, the ticket booked in said reservation system.

Garback teaches printing of a booked ticket (Garback; Figure 1, and col. 7, lines 20-26).

It would have been obvious to one of ordinary skill in the art at the time of the invention to extend the ticket booking system of Hunt to include issuing of the booked ticket with the motivation of operating in a fraction of the time previously required to book a business reservation (Garback; col. 3, lines 47-48).

Although Hunt does disclose connection to more than one computer reservation system (Hunt: Figure 1 and col. 3 lines 33-35) Hunt does not expressly disclose the

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selection of one of the computer reservation systems. It would have been obvious to one of ordinary skill in the art to select which reservation system or systems to connect to and to identify those selected by a unique address with the motivation of honoring an agreement between a travel agency and a particular airline, and of accommodating user preferences in accumulating frequent flier miles for a particular airline.

Although Hunt discloses transmitting and receiving information data including a booking number over the Internet between the personal computer and the selected reservation system (Hunt: Figures 1 and 2, and column 6, lines 29-35, col. 8, lines 13-30, and col. 10, lines 18-41), Hunt fails to explicitly disclose without the aid of said local computer.

Tagawa teaches transmitting and receiving information data including a booking number over the Internet between the personal computer and the selected reservation system without the aid of said local computer (Tagawa; see at least column 6, lines 16-27).

It would have been obvious to one of ordinary skill in the art at the time of the invention to extend the ticket booking system of Hunt to include transmitting and receiving information data including a booking number over the Internet between the personal computer and the selected reservation system without the aid of said local computer, as taught by Tagawa, with the motivation of reducing the labor costs associated with the sale of travel-related services by providing a self-service system for

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selling travel-related services and products where the system can function like a travel agent (Tagawa; column 1, lines 16-21, column 2, lines 33-37).

(B) Claim 2 differs from claim 1 in that it is a ticket booking and issuing system rather than a ticket booking and issuing method. Claim 2 has been amended to recite " without the aid of said local computer in line 18.

As per newly amended claim 2, the amended limitations in claim 2 differ from the amended limitations in claim 1 in that, claim 1 contains a method recited as a series of function steps whereas claim 2 contains features recited in a "means-plus-function" format. As the amended method of claim 1 has been shown to be obvious in view of the combined teachings of Hunt, Garback, and Tagawa, it is readily apparent that the "means" to accomplish those method steps is obvious in view of the listed citations of the prior art. As such, the amended limitations recited in claim 2 are rejected for the same reasons given above for amended claim 1, and incorporated herein.

The motivations for combining the respective teachings of Hunt, Garback, and Tagawa are as given in the rejection of claim 1 above, and incorporated herein.

Response to Arguments

5. Applicant's arguments filed 29 April 2003 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response filed 29 April 2003.

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(A) At pages 4-5 of the 29 April 2003 response, Applicant argues that the newly added features in the 29 April 2003 amendment are not taught or suggested by the applied references.

In response, all of the limitations which Applicant disputes as missing in the applied references, including the features newly added in the 29 April 2003 amendment, have been fully addressed by the Examiner as either being fully disclosed or obvious in view of the collective teachings of Hunt, Garback, and Tagawa, based on the logic and sound scientific reasoning of one ordinarily skilled in the art at the time of the invention, as detailed in the remarks and explanations given in the preceding sections of the present Office Action and in the prior Office Actions (paper numbers 6 and 8), and incorporated herein. In particular, the combined references teach a system that transmits and receives information data including a booking number over the Internet between the personal computer and the selected reservation system without the aid of said local computer (Tagawa; see at least column 6, lines 16-27). One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In addition, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references

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would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The cited but not applied references Griffin et al, U.S. Patent Number 5, 422, 809 teaches a method and apparatus for providing travel destination information and making travel reservations electronically without the aid of a travel agent.

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to: **(703) 305-7687.**

For informal or draft communications, please label "PROPOSED" or "DRAFT" on the front page of the communication and do NOT sign the communication.

After Final communications should be labeled "Box AF."

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Hand-delivered responses should be brought to Crystal

Park 5, 2451 Crystal Drive, Arlington, VA, Seventh Floor

(Receptionist).


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalie A. Pass whose telephone number is (703) 305-3980. The examiner can normally be reached on Monday through Thursday from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (703) 305-9588. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

NP

Natalie A. Pass

August 28, 2003


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600